United Nations CRC/C/VAT/CO/2

Convention on the Rights of the Child

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Committee on the Rights of the Child

Concluding observations on the second periodic report of the Holy See*

1. The Committee considered the second periodic report of the Holy See (CRC/C/VAT/2) at its 1852nd meeting (see CRC/C/SR.1852), held on 16 January 2014, and adopted at its 1875th meeting, held on 31 January 2014, the following concluding observations.

I. Introduction

2. The Committee welcomes the submission of the second periodic report of the Holy See and its written replies to the list of issues (CRC/C/VAT/Q/2/Add.1). However, the Committee regrets that the report was submitted with considerable delay, which prevented the Committee from reviewing the implementation of the Convention by the Holy See for 14 years.

3. The Committee welcomes the open and constructive dialogue with the multisectoral delegation of the Holy See, as well as the positive commitments made by its delegation in numerous areas. In particular, the Committee notes as positive the willingness expressed by the delegation of the Holy See to change attitudes and practices. The Committee looks forward to the adoption of prompt and firm measures for the concrete implementation of those commitments.

4. The Committee reminds the Holy See that the present concluding observations should be read in conjunction with the concluding observations on the initial report submitted by the Holy See under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC/OPAC/VAT/CO/1) and those on its initial report under the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (CRC/C/OPSC/VAT/CO/1), both of which were also adopted on 31 January 2014.

* Adopted by the Committee at its sixty-fifth session (13–31 January 2014).

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II. Follow-up measures undertaken and progress achieved by the State party

5. The Committee welcomes the adoption of the following legislative measures:

(a) Vatican City State Law No. VIII of 11 July 2013 containing Complementary Norms on Penal Matters, Title II: Crimes Against Children;

(b) Vatican City State Law No. IX of 11 July 2013 containing Amendments to the Criminal Code and the Criminal Procedure Code.

6. The Committee also welcomes the ratification of the United Nations Convention against Transnational Organized Crime, on 25 January 2012.

7. The Committee welcomes the following institutional and policy measures:

(a) The creation of a pastoral Commission for the Protection of Minors, with the aim of proposing new initiatives for the development of safe environment programmes for children and improving efforts for pastoral care of victims of abuse around the world, on 5 December 2013;

(b) The establishment of a special office within the Governorate of Vatican City State to oversee the implementation of international agreements to which the Vatican City State is a party, on 10 August 2013.

III. Specificities in the implementation of the Convention

8. The Committee is aware of the dual nature of the Holy See's ratification of the Convention on the Rights of the Child as the Government of the Vatican City State and also as a sovereign subject of international law having an original, non-derived legal personality independent of any territorial authority or jurisdiction. While fully aware that bishops and major superiors of religious institutes do not act as representatives or delegates of the Roman Pontiff, the Committee notes that subordinates in Catholic religious orders are bound by obedience to the Pope, in accordance with Canons 331 and 590 of the Code of canon Law. The Committee therefore reminds the Holy See that in ratifying the Convention, it made a commitment to implement it not only within the territory of Vatican City State, but also, as the supreme power of the Catholic Church, worldwide through individuals and institutions under its authority.

IV. Main areas of concern and recommendations

A. General measures of implementation (arts. 4, 42 and 44 (6) of the Convention)

The Committee's previous recommendations

9. The Committee regrets that most of the recommendations contained in its concluding observations of 1995 on the initial report of the Holy See (CRC/C/15/Add.46) have not been fully addressed.

10. **The Committee urges the Holy See to take all necessary measures to address those recommendations contained in the concluding observations on its initial report under the Convention that have not yet been implemented or sufficiently**

implemented, particularly those related to non-discrimination, children's right to express their views and family matters.

Reservations

11. The Committee welcomes the statement of the delegation of the Holy See that a possible withdrawal of its reservations to the Convention is currently under consideration. In the light of its previous recommendation (CRC/C/15/Add.46, para. 10), the Committee reiterates its concern about the Holy See's reservations to the Convention which undermine the full recognition of children as subjects of rights, and condition the application of the Convention on its compatibility with the sources of law of Vatican City State.

12. **The Committee recommends that the Holy See undertake the necessary steps to withdraw all its reservations to the Convention and to ensure that the Convention has precedence over internal laws and regulations.**

Legislation

13. While welcoming the Holy See's approach to ensuring that the legislation of Vatican City State complies with the Convention, the Committee regrets that the same approach has not been followed in relation to its internal laws, including Canon Law. The Committee is also concerned that some of the provisions of the Canon Law are not in conformity with the provisions of the Convention, in particular those relating to children's rights to be protected against discrimination, violence and all forms of sexual exploitation and sexual abuse.

14. **The Committee recommends that the Holy See undertake a comprehensive review of its normative framework, in particular Canon Law, with a view to ensuring its full compliance with the Convention.**

Coordination

15. The Committee notes as positive the delegation's statement that the Holy See will consider the establishment of a mechanism with a mandate to coordinate the implementation of the Convention. However, the Committee regrets that such a mechanism is still not in place.

16. **The Committee recommends that the Holy See establish a mechanism at a high level with the mandate and capacity to coordinate the implementation of children's rights across all pontifical councils, episcopal conferences as well as with regard to individuals and institutions of a religious nature that function under the authority of the Holy See. This mechanism should be provided with adequate human, financial and technical resources to fulfil its mandate.**

Allocation of resources

17. The Committee appreciates the numerous activities undertaken at the grassroots level and funded by Catholic churches, foundations and organizations worldwide to support and protect children in the most vulnerable situations and to provide them with, among others, education opportunities, health and social care and other family support services. However, the Committee notes the absence of a comprehensive child rights-based approach to the allocation of resources to support children and the lack of a system to track spending on children by the Holy See, and church-related organizations and institutions in States parties where the Holy See has influence and impact.

18. **In the light of the Committee's day of general discussion in 2007 on "Resources for the rights of the child – responsibility of States" and with emphasis on articles 2, 3, 4 and 6 of the Convention, the Committee recommends that the Holy See:**

(a) Conduct a comprehensive assessment of the budgetary resources necessary for the implementation of the rights of children in Vatican City State and for the promotion and protection of children's rights by Catholic organizations and institutions in other States parties;

(b) Establish a system to assess the impact of the resources allocated to serve the best interests of the child, with special attention to children in vulnerable situations.

Independent monitoring

19. The Committee notes that a special office was established in August 2013 to oversee the implementation of international agreements to which Vatican City State is a party and that the Commission created in December 2013 will be empowered to receive children's complaints of sexual abuse. The Committee is, however, concerned that the Holy See has not established a mechanism to monitor respect for and compliance with children's rights by individuals and institutions operating under its authority, including all Catholic schools, worldwide and in Vatican City State.

20. **Taking into account the Committee's general comment No. 2 (2002) on the role of independent human rights institutions in the promotion and protection of the rights of the child, the Committee recommends that the Holy See establish an independent mechanism to monitor children's rights, with clear mandates to receive and investigate children's complaints in a child-sensitive manner and with due respect for the privacy and protection of victims. It should also ensure that the mechanism is made accessible to all children attending or involved in schools, services and institutions provided by the Catholic Church. Given the special nature of the Holy See, guidelines on the relationship and collaboration between this mechanism and national law enforcement authorities should also be defined and widely disseminated.**

Dissemination and awareness-raising

21. The Committee welcomes the awareness-raising initiatives described in the report of the Holy See, in particular the educational courses on human rights organized in Catholic schools in India. The Committee is however concerned that the Holy See has not taken sufficient measures over the reporting period to promote wide dissemination of the Convention and its translation into languages spoken throughout the world, as recommended by the Committee in 1995 (see CRC/C/15/Add.46, para. 11).

22. **The Committee recommends that the Holy See strengthen its efforts to make all the provisions of the Convention widely known, particularly to children and their families, through, inter alia, developing and implementing specific long-term awareness-raising programmes, and including the provisions of the Convention in school curricula at all levels of the Catholic education system, using appropriate material created specifically for children.**

Training

23. While welcoming projects such as the initiative conducted since 2007 in Austria to train teachers in Catholic schools on children's rights, as well as the recognition by the Holy See that training is good practice for the ultimate protection of children, the Committee remains concerned that the Holy See has not taken measures to systematically provide training on the Convention to individuals and institutions operating under its authority that work with and for children, including teachers in Catholic schools and clerics in seminaries.

24. **The Committee urges the Holy See to provide systematic training on the provisions of the Convention to all members of the clergy and members of Catholic orders and institutions working with and/or for children, and to include mandatory modules on children's rights in teachers' training programmes as well as in seminaries.**

B. General principles (arts. 2, 3, 6 and 12 of the Convention)

Non-discrimination

25. The Committee welcomes the information provided by the delegation of the Holy See during the interactive dialogue that it has initiated a review of its legislation with a view to withdrawing the discriminatory expression "illegitimate children", contained in the Canon Law, in particular Canon 1139. While also noting as positive the progressive statement delivered by the Pope in July 2013, the Committee is concerned about past statements and declarations made by the Holy See on homosexuality, which contribute to the social stigmatization of and violence against lesbian, gay, bisexual, and transgender adolescents and children raised by same sex couples.

26. **The Committee recommends that the Holy See bring all its laws and regulations as well as policies and practices into conformity with article 2 of the Convention and promptly abolish the discriminatory classification of children born out of wedlock as illegitimate children. The Committee also urges the Holy See to make full use of its moral authority to condemn all forms of harassment, discrimination or violence against children based on their sexual orientation or the sexual orientation of their parents, and to support efforts at the international level for the decriminalization of homosexuality.**

27. With reference to its previous concern about gender-based discrimination (CRC/C/15/Add.46, para. 8), the Committee regrets that the Holy See continues to place emphasis on the promotion of complementarity and equality in dignity, two concepts which differ from equality in law and practice provided for in article 2 of the Convention, and which are often used to justify discriminatory legislation and policies. The Committee also regrets that the Holy See did not provide precise information on the measures taken to promote equality between girls and boys and to remove gender stereotypes from textbooks used in Catholic schools, as requested by the Committee in 1995.

28. **The Committee urges the Holy See to adopt a rights-based approach to address discrimination between girls and boys and refrain from using terminology that could challenge equality between girls and boys. The Committee also urges the Holy See to take active measures to ensure that textbooks used in Catholic schools do not contain gender stereotyping that might limit the development of the talents and abilities of boys and girls and undermine their educational and life opportunities.**

Best interests of the child

29. The Committee is concerned that children's right to have their best interests taken into account as a primary consideration has been insufficiently addressed by the Holy See in legislative, administrative and judicial proceedings, as well as in policies, programmes and projects that are relevant to and which have an impact on children. The Committee is particularly concerned that in dealing with allegations of child sexual abuse, the Holy See has consistently placed the preservation of the reputation of the Church and the protection of the perpetrators above the child's best interests, as observed by several national commissions of inquiry.

30. **The Committee draws the attention of the Holy See to its general comment No 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration and recommends that the Holy See strengthen its efforts to ensure that this right is appropriately integrated and consistently applied in all legislative, administrative and judicial proceedings as well as in all policies, programmes and projects that are relevant to and have an impact on children. In this regard, the Holy See is encouraged to provide guidance to all relevant persons in authority with a view to ensuring that the best interests of the child is a primary consideration in every area, including when dealing with cases of child sexual abuse. The Committee also urges the Holy See to disseminate such guidance to all Catholic churches, organizations and institutions worldwide.**

Respect for the views of the child

31. The Committee is concerned that the Holy See has a restrictive interpretation of children's right to express their views in all matters affecting them as well as their rights to freedom of expression, association and religion. The Committee is also concerned that the Holy See continues to view the rights enshrined in article 12 of the Convention as undermining the rights and duties of parents.

32. **The Committee reminds the Holy See that the right of children to freely express their views constitutes one of the most essential components of children's dignity and that ensuring this right is a legal obligation under the Convention, which is not open to the discretion of States parties. The Committee also underlines that the family in which the child can freely express his or her views and in which the child's views are given due weight from the earliest age constitutes an important model and prepares the child to exercise his or her right to be heard in the wider society. Referring to its general comment No. 12 (2009) on the right of the child to be heard, the Committee urges the Holy See to:**

(a) Combat negative attitudes to the realization of the right of all children to be heard, and promote the recognition of children as rights holders;

(b) Take measures to ensure the effective implementation of legislation recognizing the right of the child to be heard in relevant legal proceedings;

(c) Encourage, through legislation and policy, opportunities for parents and guardians to listen to children and give due weight to their views in matters that concern them, and promote parenting education programmes which build on existing positive behaviours and attitudes; and

(d) Promote the active role of children in all services provided to families and children by Catholic organizations and institutions, as well as in the planning of curricula and school programmes, and ensure that the right of the child to be heard is fully respected in disciplinary matters.

C. Civil rights and freedoms (arts. 7, 8, and 13–17 of the Convention)

Right to know and be cared for by parents

33. The Committee is concerned about the situation of children fathered by Catholic priests, who, in many cases, are not aware of the identity of their fathers. The Committee is also concerned that the mothers may obtain a plan for regular payment from the Church until the child is financially independent only if they sign a confidentiality agreement not to disclose any information about the child's father or the plan.

34. **The Committee recommends that the Holy See assess the number of children fathered by Catholic priests, find out who they are and take all necessary measures to ensure that the rights of those children to know and to be cared for by their fathers is respected, as appropriate. The Committee also recommends that the Holy See ensure that churches no longer impose confidentiality agreements as a condition to providing mothers with financial plans to support their children.**

Right to identity

35. While welcoming the emphasis placed by the Holy See on children's right to live with their parents and to know their identity, the Committee is concerned about the continued practice of anonymous abandonment of babies that is organized by Catholic organizations in several countries through the use of so-called "baby boxes".

36. **In the light of articles 6, 7, 8 and 19 of the Convention, the Committee strongly urges the Holy See to cooperate in studies to determine the root causes of the practice of anonymous abandonment of babies and expeditiously strengthen and promote alternatives, taking into full account the right of children to know their biological parents and siblings, as enshrined in article 7 of the Convention. The Committee also urges the Holy See to contribute to addressing the abandonment of babies by providing family planning, reproductive health care, as well as adequate counselling and social support to prevent unplanned pregnancies, and to provide assistance to families in need, while introducing the possibility of confidential births at hospitals as a measure of last resort to prevent abandonment and/or death of a child.**

D. Violence against children (arts. 19, 24 (3), 28 (2), 34, 37 (a) and 39 of the Convention)

Torture and other cruel or degrading treatment or punishment

37. The Committee is concerned that the Holy See has not taken the necessary measures to protect and ensure justice for the girls who were arbitrarily placed by their families, State institutions and churches in the Magdalene laundries of Ireland that were run by four congregations of Catholic Sisters until 1996. The Committee is particularly concerned that:

(a) Girls placed in those institutions were forced to work in slavery-like conditions and often subjected to inhuman, cruel and degrading treatment as well as physical and sexual abuse;

(b) Girls were deprived of their identity, education and often food and essential medicines, had the obligation of silence imposed on them and were prohibited from contact with the outside world;

(c) Unmarried girls who gave birth before entering or while incarcerated in the laundries had their babies forcibly removed from them;

(d) Although the four Catholic congregations concerned function under the authority of the Holy See, no action has been taken to investigate the conduct of the sisters who ran the laundries or to cooperate with law enforcement authorities in holding accountable those who were responsible for the abuse as well as all those who organized and knowingly profited from the girls' unpaid work.

38. **With reference to the recommendations made in 2011 by the Committee against Torture to Ireland (CAT/C/IRL/CO/1, para. 21) to prosecute and punish perpetrators with penalties commensurate with the gravity of the offences committed,**

and to ensure that all victims obtain redress and have an enforceable right to compensation, the Committee urges the Holy See to:

(a) Conduct an internal investigation into the conduct of religious personnel working in the Magdalene laundries in Ireland as well as in all countries where this system existed, and ensure that all those responsible for the offences are sanctioned and reported to the national judicial authorities for the purposes of prosecution;

(b) Ensure that full compensation is paid to the victims and their families, either through the congregations or orders themselves or through the Holy See, the supreme power of the Church, which is legally responsible for its subordinates in Catholic religious orders under its authority;

(c) Take all appropriate measures to ensure the physical and psychological recovery and social reintegration of the victims of those offences;

(d) Assess the circumstances and reasons which led to such practices and take all necessary measures to ensure that women and children are not arbitrarily confined for any reason whatsoever in Catholic institutions in the future.

Corporal punishment

39. While welcoming the statement made by the delegation that it would put to the Holy See for consideration the banning of corporal punishment of children in all settings, the Committee is concerned that corporal punishment, including ritual beatings of children, has been and remains widespread in some Catholic institutions and has reached endemic levels in certain countries, as revealed notably by the Ryan Commission in Ireland. The Committee is also concerned that the Holy See does not consider corporal punishment as being prohibited by the Convention and has therefore not enacted guidelines and rules clearly banning corporal punishment of children in Catholic schools or Catholic institutions working with and for children and in the home.

40. **The Committee reminds the Holy See that all forms of violence against children, however light, are unacceptable and that the Convention leaves no room for any level of violence against children. The Committee also reminds the Holy See of its obligation under article 19 of the Convention to take all appropriate measures to protect the child from all forms of physical or mental violence. The Committee urges the Holy See to:**

(a) Explicitly oppose all corporal punishment of children, in the same way as it opposes torture and other cruel, inhuman or degrading treatment or punishment;

(b) Amend the Canon Law and Vatican City State laws to explicitly prohibit all corporal punishment of children, including within the family;

(c) Establish mechanisms to effectively enforce this ban in all Catholic schools and institutions working with and for children, including in the territory of Vatican City State, and ensure accountability for violence against children; and

(d) Use its authority to promote positive, non-violent and participatory forms of child-rearing, and ensure that an interpretation of the Scriptures as not condoning corporal punishment is reflected in the teaching and other activities of the Church and incorporated into all theological education and training.

Abuse and neglect

41. The Committee is concerned about the Holy See's position that civil authorities should intervene in the family setting only in cases where it has been proven that abuse has been committed so as not to interfere with the duties and rights of parents. Such a position

seriously undermines international efforts and measures to prevent the abuse and neglect of children. The Committee is also concerned that despite its considerable influence on Catholic families, the Holy See has still not adopted a comprehensive strategy to prevent abuse and neglect in the home.

42. **The Committee emphasizes that child protection must begin with proactive prevention of all forms of violence and that prerogatives of the parents should in no way undermine children's right to be protected from abuse and neglect. The Committee therefore recommends that the Holy See:**

(a) Formulate a comprehensive strategy for preventing and combating child abuse and neglect, and further strengthen awareness-raising and education programmes, including campaigns, with the involvement of children;

(b) Encourage community-based programmes aimed at preventing and tackling domestic violence, child abuse and neglect, including by involving former victims, volunteers and community members, and providing them with training;

(c) Develop safe, well-publicized, confidential and accessible support mechanisms for children, their representatives and others to enable them to report violence against children;

(d) Develop clear guidance and training on when and how to refer instances of abuse and neglect to investigative authorities.

Sexual exploitation and abuse

43. The Committee takes note of the commitment expressed by the delegation of the Holy See to hold the dignity and entire person of every child inviolable. The Committee nevertheless expresses deep concern about child sexual abuse committed by members of the Catholic Church operating under the authority of the Holy See, whereby clerics have been involved in the sexual abuse of tens of thousands of children worldwide. The Committee is gravely concerned that the Holy See has not acknowledged the extent of the crimes committed, nor taken the necessary measures to address cases of child sexual abuse and to protect children, and has adopted policies and practices which have enabled the continuation of sexual abuse by clerics and impunity for the perpetrators. The Committee is particularly concerned that:

(a) Well-known child sexual abusers have been transferred from parish to parish or to other countries in an attempt by the Church to cover-up such crimes. This practice has been documented by numerous national commissions of inquiry. The practice of offenders' mobility has allowed many priests to remain in contact with children and to continue to abuse them, and places children in many countries at high risk of sexual abuse by clerics. Dozens of child sexual offenders are reported to be still in contact with children;

(b) Although the Holy See established its full jurisdiction over child sexual abuse cases by clerics in 1962, and placed them under the exclusive competence of the Congregation for the Doctrine of the Faith in 2001, it has declined to provide the Committee with data on all cases of child sexual abuse brought to its attention over the reporting period, and the outcome of the internal procedure in these cases;

(c) In cases where child sexual abuse has been addressed by the Holy See, it has been treated as a *grave delict against the moral* through confidential proceedings providing for disciplinary measures which have allowed the vast majority of abusers and almost all those who have concealed child sexual abuse to escape judicial proceedings in States where the abuses were committed;

(d) Due to a code of silence imposed on all members of the clergy under penalty of excommunication, cases of child sexual abuse have hardly ever been reported to the law enforcement authorities in the countries where the crimes were committed. On the contrary, cases of nuns and priests who were ostracized, demoted and defrocked for not respecting the obligation of silence have been reported to the Committee, as well as cases of priests who were congratulated for refusing to denounce child abusers, as stated in the letter addressed by Cardinal Castrillon Hojos to Bishop Pierre Pican in 2001;

(e) Reporting to national law enforcement authorities has never been made compulsory and was explicitly rejected in an official letter addressed to members of the Irish Episcopal Conference by Bishop Manuel Moreno and Archbishop Luciano Storero in 1997. In many cases, Church authorities, including at the highest levels of the Holy See, have shown reluctance and in some instances, refused to cooperate with judicial authorities and national commissions of inquiry.

(f) Limited efforts have been made to empower children enrolled in Catholic schools and institutions to protect themselves from sexual abuse.

44. **The Committee acknowledges the Holy See's statement about the importance of establishing the truth of what happened in the past, taking the necessary steps to prevent recurrence, ensuring that the principles of justice are fully respected and, above all, bringing healing to the victims and to all those affected by these egregious crimes. In this perspective, the Committee strongly urges the Holy See to:**

(a) Ensure that the Commission created in December 2013 will independently investigate all cases of child sexual abuse as well as the conduct of the Catholic hierarchy in dealing with them; consider inviting civil society and victims organizations to join the Commission, and inviting international human rights mechanisms to support its work. The outcome of the investigation should be made public and serve to prevent the recurrence of child sexual abuse by members of the Catholic Church;

(b) Immediately remove all known and suspected child sexual abusers from service and refer the matter to the relevant law enforcement authorities for investigation and prosecution;

(c) Ensure transparent sharing of all archives which can be used to hold accountable child sexual abusers and all those who concealed their crimes and knowingly placed offenders in contact with children;

(d) Amend the Canon Law in order for child sexual abuse to be considered a crime and not a "*delict against the morals*" and repeal all provisions which may impose an obligation of silence on the victims and on all those that become aware of such crimes;

(e) Establish clear rules, mechanisms and procedures for the mandatory reporting of all suspected cases of child sexual abuse and exploitation to law enforcement authorities;

(f) Ensure that all priests, religious personnel and individuals working under the authority of the Holy See are made aware of their reporting obligations and of the fact that, in case of conflict, these obligations prevail over Canon law provisions;

(g) Develop programmes and policies for the prevention of such crimes and for the recovery and social reintegration of child victims, in accordance with the outcome documents adopted at the 1996, 2001 and 2008 World Congresses against

Sexual Exploitation of Children, held in Stockholm, Yokohama, Japan, and Rio de Janeiro, Brazil, respectively;

(h) Develop educational preventive programmes to increase children's awareness of sexual abuse and to teach them the necessary skills with which to protect themselves;

(i) Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Freedom of the child from all forms of violence

45. The Committee welcomes the indications that the Holy See pays particular attention to promoting the dignity of women and girls. However, given the extent and the devastating impact of domestic violence on children and the fact that domestic violence often has a gender component, the Committee is seriously concerned that during the 2013 Commission on the Status of Women, the Holy See objected to a draft final text proposing that religion, custom or tradition should not serve as an excuse for States to evade their obligations to protect women and girls from violence.

46. **Recalling the recommendations of the United Nations study on violence against children of 2006 (A/61/299), the Committee recommends that the Holy See prioritize the elimination of all forms of violence against children. The Committee further recommends that the Holy See take into account its general comment No. 13 (2011) on the right of the child to freedom from all forms of violence, and in particular:**

(a) Use its authority and influence to support efforts and measures aimed at combatting all forms of domestic and gender-based violence, including measures that address attitudes, traditions, customs and behavioural practices which often serve as a justification for these forms of violence;

(b) Develop a comprehensive national strategy to prevent and address all forms of violence against children;

(c) Adopt a coordinating framework to address all forms of violence against children;

(d) Pay particular attention to and address the gender dimension of violence;

(e) Cooperate with the Special Representative of the Secretary-General on violence against children and other relevant United Nations bodies.

Helpline

47. **The Committee recommends that the Holy See promote the creation of helplines in States parties, raise awareness of their existence and encourage children to use them.**

E. Family environment and alternative care (arts. 5, 9–11, 18 (1 and 2), 20–21, 25 and 27 (4) of the Convention)

Family environment

48. While welcoming the information provided by the delegation of the Holy See that it will proceed with a revision of family-related provisions in the Canon Law in the near future, the Committee is concerned that the Holy See and Church-run institutions do not

recognize the existence of diverse forms of families and often discriminate against children on the basis of their family situation.

49. **The Committee recommends that the Holy See ensure that Canon Law provisions recognize the diversity of family settings and do not discriminate against children on the basis of the type of family they live in.**

Children deprived of a family environment

50. The Committee welcomes the emphasis placed by the Holy See on the importance of growing up in a family environment for the full and harmonious development of children's personality. The Committee is, however, concerned about the situation of adolescents recruited by the Legion of Christ and other Catholic institutions who are progressively separated from their families and isolated from the outside world. While taking note of the Holy See's response, which highlights parental rights and duties to choose schools and seminaries for their children, the Committee also notes that in November 2013, the President of the French Episcopal Conference recognized the manipulation of individual consciences in some Catholic institutions and congregations.

51. **The Committee urges the Holy See to properly investigate all allegations of children and adolescents being separated from their families by means of psychological manipulation, and ensure that those responsible for manipulating adolescents are held accountable and cease their activities.**

52. The Committee is concerned that institutionalization of children is still widespread in Catholic organizations and that family-type alternatives are still not given priority, as indicated by the opening of new institutions in many countries. The Committee is also concerned that the Holy See has not adopted guidelines on the placement and monitoring of children in Catholic alternative-care institutions and still does not have a policy for the de-institutionalization of children placed in Catholic organizations.

53. **The Committee urges the Holy See to adopt a policy for the de-institutionalization of children placed in Catholic institutions and for the reunification of children with their families, where possible. The Committee also recommends that the Holy See take all necessary measures to ensure as a matter of priority that children under the age of three are not placed in institutions. The Holy See should also adopt guidelines for the placement, adequate periodic review and monitoring of children in all Catholic alternative-care settings, in order to ensure the application of standards and to prevent abuse. In doing so, the Holy See should take into account the Guidelines for the Alternative Care of Children annexed to General Assembly resolution 64/142 of 20 December 2009.**

F. Disability, basic health and welfare (arts. 6, 18 (3), 23, 24, 26, 27 (1–3) and 33 of the Convention)

Health

54. The Committee expresses its deepest concern that in the case of a nine-year old girl in Brazil who underwent an emergency life-saving abortion in 2009 after she had been raped by her stepfather, an Archbishop of Pernambuco, Brazil, sanctioned the mother of the girl as well as the doctor who performed the abortion. The sanction was later approved by the head of the Congregation for Bishops of the Roman Catholic Church.

55. **The Committee urges the Holy See to review its position on abortion, which places obvious risks on the life and health of pregnant girls, and to amend Canon 1398**

relating to abortion with a view to identifying circumstances under which access to abortion services may be permitted.

Adolescent health and HIV/AIDS

56. The Committee is seriously concerned about the negative consequences of the Holy See's position and practice of denying adolescents access to contraception and to sexual and reproductive health and information.

57. **With reference to its general comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, No. 4 (2003) on adolescent health and No. 3 (2003) on HIV/AIDS and the rights of the child, the Committee reminds the Holy See of the dangers of early and unwanted pregnancy and clandestine abortion which result, notably, in high maternal morbidity and mortality for adolescent girls, and the particular risk for adolescents girls and boys of being infected with and affected by sexually transmitted diseases (STDs), including HIV/AIDs. The Committee recommends that the Holy See:**

(a) Assess the serious implications of its position on the enjoyment by adolescents of the highest attainable standard of health, and overcome all barriers and taboos surrounding adolescent sexuality that hinder their access to sexual and reproductive information, including information on family planning, contraceptives, the dangers of early pregnancy, the prevention of HIV/AIDS, and the prevention and treatment of STDs;

(b) Place adolescents' best interests at the centre of all decisions affecting their health and development, including with regard to the implementation of policies and interventions affecting the underlying determinants of their health;

(c) Ensure the right of adolescents to have access to adequate information essential for their health and development, and to enable them to participate in a meaningful manner in society. In this respect, the Holy See should ensure that sexual and reproductive health education and HIV/AIDS prevention is part of the mandatory curriculum of Catholic schools and targeted at adolescent girls and boys, with special attention to preventing early pregnancy and STDs;

(d) Guarantee the best interests of pregnant teenagers, and ensure that the views of the pregnant teenager are always heard and respected in the field of reproductive health;

(e) Actively contribute to the dissemination of information on the harm that early marriage and early pregnancy can cause and ensure that Catholic organizations protect the rights of pregnant children, adolescent mothers and their children, and combat discrimination against them;

(f) Take measures to raise awareness of and foster responsible parenthood and sexual behaviour, with particular attention to boys and men.

G. Special protection measures (arts. 22, 30, 32–33, 35–36, 37 (b)–(d), 38, 39 and 40 of the Convention)

Sale, trafficking and abduction

58. The Committee is deeply concerned that thousands of babies have been forcibly removed from their mothers by members of Catholic congregations in a number of countries and placed in orphanages or given to adoptive parents abroad, as was the case notably in Spain and the Magdalene laundries in Ireland. The Committee is particularly

concerned that although the congregations responsible were operating under its authority, the Holy See did not conduct an internal investigation into these cases and failed to take action against those responsible. The Committee is also concerned that the Holy See did not provide information on the measures taken to trace the whereabouts of the children and to reunite them, where possible, with their biological mothers.

59. **The Committee urges the Holy See to open an internal investigation into all cases of removal of babies from their mothers and fully cooperate with relevant national law enforcement authorities in holding those responsible accountable. The Committee also urges the Holy See to ensure that the Catholic congregations involved fully disclose all the information they have on the whereabouts of the children, in order to reunite them, where possible, with their biological mothers; and to take all necessary measures to prevent the occurrence of similar practices in the future.**

Child victims and witnesses of crimes

60. The Committee expresses serious concern that in dealing with child victims of different forms of abuse, the Holy See has systematically given precedence to the preservation of the reputation of the Church and the alleged offender over the protection of child victims. The Committee is particularly concerned that although the Holy See recognized in its written replies and during the interactive dialogue the primary competence of national judicial authorities, it has continued to address abuse cases through Canon Law proceedings, which do not provide for the protection, support, rehabilitation and compensation of child victims. The Committee is also particularly concerned that:

(a) Child victims and their families have often been blamed and discredited by the religious authorities, discouraged from pursuing their complaints, and in some instances humiliated, as noted especially by the Grand Jury in Westchester County, United States of America, the Ryan Commission in Ireland, and the Winter Commission in Canada;

(b) Confidentiality and silence have been imposed on child victims and their families as a precondition for financial compensation;

(c) Although it has extended the statute of limitations for its own cases, the Holy See has, in some instances, obstructed efforts in certain countries to extend the statute of limitation for child sexual abuse.

61. **The Committee recommends that in matters relating to the treatment of child victims and witnesses, the Holy See should be guided by respect for the best interests of the child and the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime annexed to Economic and Social Council resolution 2005/20. The Committee urges the Holy See to:**

(a) Develop comprehensive procedures for the early identification of child victims of sexual and other forms of abuse;

(b) Ensure accessible, confidential, child-friendly and effective reporting channels for children who are victims or witnesses of sexual abuse and ensure that child victims of sexual abuse or any other crime are protected from future abuse and retaliation when reporting abuse; and provide parents with assistance in bringing abuse suffered by their children before the courts.

(c) Ensure that child victims and witnesses of crimes are provided with support for their physical and psychological rehabilitation and social reintegration and that such measures are not conditional on confidential settlement that would prevent children from reporting abuse to national law enforcement authorities;

(d) Provide compensation to victims of sexual abuse committed by individuals and institutions under the authority of the Holy See without imposing any obligation of confidentiality or silence on the victims and establish a compensation scheme for victims in this respect;

(e) Promote the reform of the statute of limitations in countries where it impedes victims of child sexual abuse from seeking justice and redress;

(f) Conduct awareness-raising activities to combat the stigmatization of victims of sexual exploitation and abuse.

H. Ratification of international human rights instruments

62. **The Committee recommends that the Holy See, in order to further strengthen the fulfilment of children's rights, ratify the core human rights instruments to which it is not yet a party, namely the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and their Optional Protocols, as well as the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of Persons with Disabilities and its Optional Protocol, the Convention for the Protection of All Persons from Enforced Disappearance and the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.**

I. Follow-up and dissemination

63. **The Committee recommends that the Holy See take all appropriate measures to ensure the full implementation of the present recommendations by, inter alia, transmitting them to the Pope, the Curia, the Congregation for the Doctrine of the Faith, the Congregation for Catholic Education, Catholic health-care institutions, the Pontifical Council for the Family, episcopal conferences and individuals and institutions operating under the authority of the Holy See, for appropriate consideration and further action.**

64. **In the light of article 45 (a) and (b) of the Convention, the Committee recommends that the Holy See consider seeking expert advice from, among others, the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Representative of the Secretary General on violence against children and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment in the implementation of the recommendations of the Committee relating to sexual abuse and exploitation.**

65. **The Committee further recommends that the second periodic report and the written replies submitted by the Holy See, as well as the present concluding observations, be made widely available, including through the Internet, to the public at large, civil society organizations, the media, youth groups, professional groups and children, in order to generate debate and foster awareness of the Convention, and its implementation and monitoring.**

J. Next report

66. **The Committee invites the Holy See to submit its combined third to sixth periodic report by 1 September 2017, and to include in it information on the implementation of the present concluding observations. The Committee draws attention to its harmonized treaty-specific reporting guidelines adopted on 1 October 2010 (CRC/C/58/Rev.2 and Corr.1) and reminds the Holy See that future reports should be in compliance with the guidelines and not exceed 60 pages. The Committee urges the State party to submit its report in accordance with the guidelines. In the event that a report exceeding the page limitation is submitted, the State party will be asked to review and resubmit the report in accordance with the above-mentioned guidelines. The Committee reminds the State party that if it is unable to review and resubmit the report, translation of the report for purposes of examination by the treaty body cannot be guaranteed.**

67. **The Committee also invites the State party to submit an updated core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, approved by the 5th Inter-Committee Meeting of the human rights treaty bodies in June 2006 (HRI/MC/2006/3). The treaty-specific report and the common core document together constitute the harmonized reporting obligation under the Convention on the Rights of the Child.**